

12-23-04
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DEC 20 2004

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 09/30/2004

Stuart T. Langley, Esq.
Hogan & Hartson, LLP
Suite 1500
1200 17th Street
Denver, CO 80202
12/27/2004 EAREGAY2 00000005 10010813

01 FC:1504 300.00 0P
02 FC:1501 1400.00 0P
03 FC:4001

| | | | | |
|-----------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/010,813 | 11/13/2001 | Samuel C. Lay | MCD124 | 3067 |

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| (Depositor's name) |
| (Signature) |
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TITLE OF INVENTION: METHOD AND APPARATUS FOR PROVIDING OPTIMIZED HIGH SPEED LINK UTILIZATION

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1330 | \$300 | \$1630 | 12/30/2004 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-------------|----------|----------------|
| PHAN, MAN U | 2665 | 370-420000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Baker Botts L.L.P.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

McData Corporation

Broomfield, Colorado

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
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 Advance Order - # of Copies 10

 A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-0384 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

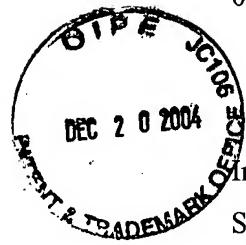
Authorized Signature 705Date 12/17/04Typed or printed name Barton E. ShowalterRegistration No. 38,302

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ATTORNEY DOCKET NO.
069563.0140

PATENT APPLICATION
10/010,813



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Samuel C. Lay et al
Serial No.: 10/010,813
Filed: November 13, 2001
Group No.: 2665
Examiner: Man U. Phan
Notice of Allowance Mailed: September 30, 2004
Confirmation No.: 3067
Title: *Method and Apparatus for Providing Optimized High Speed Link Utilization*

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

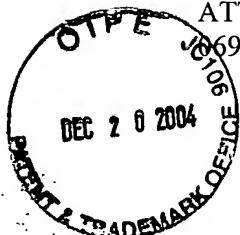
CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one (1) page), Response to Reasons for Allowance (two (2) pages), and Baker Botts L.L.P. Check in the amount of \$1,730.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 20th day of December, 2004 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles
Willie Jiles

Express Mail Receipt

(EV473951895US)



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PATENT APPLICATION

10/010,813

1

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Title: *Method and Apparatus for Providing Optimized High Speed Link Utilization*

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Dear Sir:

RESPONSE TO REASONS FOR ALLOWANCE

Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims

ATTORNEY DOCKET NO.
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PATENT APPLICATION
10/010,813

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considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants


Barton E. Showalter
Registration No. 38,302

Date: Dec. 17, 2004
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Dallas, TX 75201-2980
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Attorney Docket No. 069563.0140